

REMARKS

In the office action, the Examiner rejected claims each of the pending claims 1-40 and objected to a number of other claims and portions of the specification. The Abstract was objected to as not starting on a separate sheet; the Specification was objected to as using the same reference character to denote two distinct elements, and the claims were objected to because claim 10 depended on claim 14. Claims 10-21 were rejected for indefiniteness under 35 U.S.C. § 112, second paragraph. Claims 1-8 and 33-38 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,496,900 to Mott, et al. ("Mott"). Claims 1-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,318,641 to Hogervorst ("Hogervorst"). Claims 1-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,314,241 to Mayhall ("Mayhall"). Claims 39-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hogervorst. Claims 39-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayhall. Claims 1-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,800,548 to Wisotsky ("Wisotsky").

The Examiner granted and gave a telephonic interview to Applicants representative on August 20, 2008. Applicants thank the Examiner for the opportunity to interview the Examiner and further appreciate his consideration and comments.

Interview Summary

The Examiner granted a telephonic interview to Applicant's representative on August 20, 2008. The office action mailed May 13, 2008 was discussed. The following is Applicants' summary of the content of the interview.

First, the various formalities objections were discussed. Applicants representative pointed out that the objected to items were corrected by amendments in Applicants' Article 34 response in Chapter II of the PCT. The Examiner indicated that he did have Applicants' submission and considered the rejected items to be fully addressed by said amendments.

Second, the Mott reference and the anticipation rejection were discussed. Applicants representative asserted that Mott failed to disclose the "pipe end to pipe end connector" of claim 1 of the application because the connector required a releasable connection and Mott shows only a permanent connection between two elements. The Examiner stated that the

releasable connection claim language was overly broad and did not indicate agreement with Applicants representative.

Third, the Hogervorst reference and the anticipation rejection in light thereof were discussed. Applicants representative pointed out that the Hogervorst reference failed to disclose or suggest the limitation that the first and second elongate elements have substantially the same cross-section. The Examiner generally agreed, but wanted further clarification of the claim language.

Fourth, the Mayhall reference and the anticipation rejection in light thereof were discussed. Applicants representative pointed out that the Mayhall reference was non-analogous because it discloses installing a pile, not a pile anchor and further that the “two-way flow valves 32, 33” are, in fact only one-way water evacuation lines, so they fail to disclose the two-way flow valve limitation of claim 1. The Examiner agreed to look at Mayhall more closely in light of Applicants representative’s comments, but gave no indication of allowance.

Claim Amendments

Claim 1 has been amended to more specifically disclose a cross-sectional area rather than simply a cross-sectional shape. This amendment is fully supported by the specification, particularly as shown in FIGs. 5A-5B and 6A-6H. Reconsideration and allowance of the claims is respectfully requested.

Formalities Objections

The Abstract was corrected at the PCT stage, so this objection is overcome. The Specification was corrected at the PCT stage, so this objection is overcome. The claims were corrected at the PCT stage, so these objections are overcome. In the interview, the Examiner confirmed that these corrections had been made and that they fully address the objections.

Claim Rejections - 35 U.S.C. §112

Claims 10-21 were rejected under 35 U.S.C. §112, second paragraph, because claim 10 improperly depended upon claim 14. As noted, this error has been corrected and

Applicants believe this ground of rejection is successfully traversed and claims 10-21, as amended, are in condition for allowance.

Claim Rejections - 35 U.S.C. §102

Claims 1-8 and 33-38 were rejected under 35 U.S.C. §102(b) as being anticipated by Mott. The Examiner states that Mott discloses a “pipe end to pipe end connector, (gravity or mechanical), serving to connect the first elongated hollow element to the second elongated hollow element.” No reference number is disclosed as showing a connector element. The Examiner further states that Mott “serves to read on the language of the rejected claims as the term ‘releasably connected’ or ‘releasably connecting’ would read upon any connection since any item can be reduced to separate parts with appropriate manipulation.” Applicants respectfully traverse this rejection on the grounds that Mott fails to teach or suggest the claimed subject matter. First, Mott fails to disclose a “pipe end to pipe end connector.” Second, a “releasable connection” does not read on a permanent weld between two mechanical elements. Third, Mott fails to teach first and second portions of the anchor. For at least these reasons, Applicants submit that claims 1-8 and 33-38 are patentable over Mott.

Claim 1 of the application lists at least four separate items: a first elongated hollow element, a two-way flow valve, a second elongated hollow element, and a pipe end to pipe end connector. Mott fails to disclose, show, teach, or suggest a pipe end to pipe end connector. Instead, Mott discloses a “standard” prior art pile anchor as described in the background section of the application. Mott’s device comprises a single tubular element (**20**) with a closed top (plate **22**) and an open bottom. *See* Mott, col. 3, ll. 35-43 and FIGs. 1-4. Looking to the language of the specification, Mott particularly teaches that “tubular body **20** includes an elongated internal cavity **25** extending coaxially thereof, being open at one end, and closed at the opposite end by a plate [**22**].” Mott, col. 3, ll. 36-38. Mott further states that the plate **22** may be “welded or joined to the upper edge of the elongated tubular member **20**.” Mott, col. 3, ll. 41-43. As indicated by the lack of any reference numeral in the Figures, there is no “pipe end to pipe end connector” holding the top and bottom portion of the anchor together. Mott, FIGs. 1-4. Mott further fails to teach or suggest disconnection or release of the plate **22** from the body **20** of the anchor in any alternative embodiment. For at least these reasons, Applicants respectfully submit that Mott fails to teach or suggest a “pipe end to pipe

end connector” and thus fails to teach or suggest each and every element of the claims of the application.

The fourth element of claim 1 of the application describes “a pipe end to pipe end connector *for releasably connecting*” the first and second elongated hollow elements. Mott fails to disclose, show, teach, or suggest any connector for releasably connecting first and second portions of a pile anchor. The term “releasably connecting” is given its “broadest reasonable interpretation consistent with the specification.” *See* MPEP 2111, citing *Phillips v. AWH Corp.*, 415 F.3d 1303. The specification of the application discloses a system having an installer **50** and an anchor **75** that are releasably connected by a pipe end to pipe end connector. The specification and other claims disclose a method of installing the anchor that include the step of “releasing said first elongated hollow element from said second elongated hollow element” after installing the anchor in the sea-bed. *See*, App., claim 9. Further, a number of exemplary connectors are listed, including “a gravity connector, a threaded screwed connector, ... a mechanical connector that includes moving mechanical parts, ... a slip joint, stabbing guide, threaded pipe, steel cables, mechanical latches, and couplings.” *See*, App., para. [0017]. In addition, the installer **50** is designed and configured to be used on more than one anchor **75**, which indicates that any release means or method involving cutting or physically damaging the installer would be wholly inconsistent with the purpose of the system. In light of the specification and claims of the application, the term “releasably connecting” does not include a welded connection, which cannot be released without cutting or damaging the parts of the system, and which cannot, without significant difficulty, time, and expense, be released after installing the anchor in the sea bed.

Claim 1 requires first and second portions of an anchor. Mott fails to teach or suggest releasably connecting first and second portions of the anchor. Instead, Mott teaches a permanent assembly of parts to form a unitary anchor device that is incapable of functioning in the manner disclosed in the claims and specification of the application. For at least these reasons, Applicants respectfully submit that Mott fails to teach or suggest “releasably connecting” two parts of a pile anchor and thus fails to disclose each and every element of the claims of the application.

Claims 1-40 were rejected under 35 U.S.C. §102(b) as being anticipated by Hogervorst. Claim 1, as amended, discloses a second elongated hollow element having “a

transverse *cross sectional area* substantially the same as that of said first hollow element.” The Examiner states that Hogervorst discloses “a transverse cross section substantially the same, (e.g. cylindrical), as that of said first hollow element...” Applicants respectfully traverse this rejection on the grounds that Hogervorst fails to disclose the claimed subject matter. The claim amendment highlights the fact that the device claimed in the application has the same cross-sectional area in the first and second elongated hollow elements, not merely the same shape. This is shown in the application in at least figures 5A-5B, and 6A-6H. Hogervorst instead shows a first element **11/21** that is a far different configuration (e.g. cross-sectional area) from the second element **2**. For at least this reason, Applicants believe that Hogervorst fails to disclose each and every element of the claimed device and therefore fails to anticipate claims 1-40 in the application.

Claims 1-40 were rejected under 35 U.S.C. §102(b) as being anticipated by Mayhall. Claim 1 requires, among other things, “a two-way flow valve located on said first elongated hollow element.” The Examiner states that Mayhall discloses “a two-way flow valve **32, 33** located on said first elongated hollow element...” Applicants respectfully traverse this rejection on the grounds that Mayhall fails to disclose the claimed subject matter. Instead, Mayhall is a pile driving hammer arrangement having a hydraulic fluid line **32** and an air supply line **33**. *See*, Mayhall, col. 3, ll. 26-30, and col. 3, ll. 50-54. No valve or two-way valve is disclosed in either of **32** or **33**. For at least this reason, Applicants believe that Mayhall fails to disclose each and every element of the claimed device and therefore fails to anticipate claims 1-40 of the application.

Claim Rejections - 35 U.S.C. §103

Claims 39 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hogervorst. As noted, Hogervorst fails to teach each and every limitation of amended claim 1. Claim 39 has been amended to include the same limitation and claim 40 depends from claim 39. For at least this reason, Applicants believe that Hogervorst fails to teach or suggest the limitations of claims 39-40, which are believed to be patentable over the reference.

Claims 39 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mayhall. As noted, Mayhall fails to teach each and every limitation of claim 1. Claim 39 also includes the two-way flow valve limitation that Mayhall lacks and claim 40 depends

from claim 39. Additionally, Mayhall is not an anchor assembly system and does not include “a load transfer device fixed to the outer surface of said second elongated hollow element” as required in independent claim 39. For at least these reasons, Applicants believe that Mayhall fails to teach or suggest the limitations of claims 39-40, which are believed to be patentable over the reference.

Claims 1-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wisotsky. Applicants respectfully traverse this rejection on the grounds that Wisotsky fails to teach or suggest the claimed subject matter. In particular, Wisotsky fails to teach or suggest a releasable connection between the first and second elongated hollow elements.

Claim 1 requires, among other things, “a pipe end to pipe end connector *for releasably connecting*” the first and second elongated hollow elements. The Examiner stated that Wisotsky discloses “a pipe end to pipe end connector 42, 43, 48, 49 for releasably connecting said open lower end of said first elongated hollow element to said open upper end of said second elongated hollow element.” Instead, Wisotsky teaches welding or permanent attachment of first and second pipe ends with no teaching or suggestion that the pipe segments may be releasable. *See, e.g.* Wisotsky, col. 5, ll. 20-23. As noted above, the broadest reasonable interpretation of the phrase “releasably connecting” in claim 1 does not encompass permanent attachment by welding. In addition, the connectors **42**, **43**, **48**, and **49** referenced by the Examiner are lugs, grooved rings, and other devices for releasably connecting the driving head **45** of the pile driving device inside the permanently attached pipe segments. *See* Wisotsky, col. 5, ll. 23-50. In other words, the connectors **42**, **43**, **48**, and **49** are not configured to releasably connect the first and second elongated hollow elements, which are permanently welded together to form a pile that extends above the water line. For at least these reasons, Applicants believe that Wisotsky fails to teach or suggest each and every element of the claimed device and methods of the application and Applicants respectfully request allowance of all pending claims, as amended.

Conclusion

In light of the interview and remarks set forth above, Applicants respectfully request allowance of all pending claims. An extension of time fee is submitted concurrently herewith on a separate sheet. While no other fees are believed to be due, the Commissioner is hereby authorized to charge the Deposit Account No. 05-1328 for any other fees associated with extensions of time for this application. Further, Applicants thank the Examiner for conducting a telephonic interview and invite the Examiner to contact the undersigned at the telephone number listed below to further discuss the application if so desired.

Respectfully submitted,

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